

NO. PD-0553-20

**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
11/12/2020
DEANA WILLIAMSON, CLERK

JAMAILE BURNETT JOHNSON	§	APPELLANT
	§	
VS.	§	
	§	
STATE OF TEXAS	§	APPELLEE

**FROM THE FIRST DISTRICT TEXAS COURT OF APPEALS
CAUSE NO. 01-18-00897-CR**

MOTION FOR BAIL PENDING APPEAL

Now comes, Jamaile Burnett Johnson, Appellant in the above styled and numbered cause, and moves this Court to set reasonable bail pending disposition of this appeal, pursuant to Texas Code Crim. Proc. Art. 44.02 (h).

In support thereof Appellant shows the following:

1. Appellant was indicted and tried for aggravated robbery. The indictment contained two enhancement paragraphs. The jury rejected the aggravated robbery charge and the lesser included offense of robbery and convicted Appellant of the State Jail Felony offense of theft between \$2,500 and \$30,000.00. (CR 88). The jury sentenced Appellant to eleven (11) years confinement. (CR 96).

2. Appellant's conviction was reversed and remanded for retrial by a decision of the First Court of Appeals in cause number 01-18-00897-CR. This Court granted the State's Petition for Discretionary Review. The State's brief is due on November 20, 2020.
3. Appellant was arrested November 28, 2016, the date of the offense. (CR 6). Charged as a habitual offender with aggravated robbery, Appellant was facing a possible life sentence, if he were convicted. Appellant's bond was set at \$75,000.00 on October 18, 2016. (CR 41). He was unable to make bond and remained in custody. With the credit for the time he served while awaiting trial, he has been incarcerated on this charge for almost four years. (CR 96).
4. Appellant is indigent. (CR 103).
5. Appellant has a lengthy criminal history. (CR 56-57).
6. Appellant has a history of mental illness. His mental health problems were central to the Court of Appeals decision. Appellant has no objection to bond conditions requiring him to seek treatment and comply with all recommendations of mental health providers.
7. Because Appellant is indigent and was unable to make bond prior to trial, the only reasonable bond would be a personal bond.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court

grant this motion and set a reasonable bond, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on November 12, 2020, a true and correct copy of the above and foregoing document was served on the Harris County District Attorney, by e-service to McLean_Patricia@dao.hctx.net.

/S/ WINDI AKINS PASTORINI
Windi Akins Pastorini

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Status as of 11/12/2020 12:39 PM CST

Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule	24031632	information@spa.texas.gov	11/12/2020 10:05:44 AM	SENT
Patricia McLean		McLean_Patricia@dao.hctx.net	11/12/2020 10:05:44 AM	SENT

Associated Case Party: Jamaile Johnson

Name	BarNumber	Email	TimestampSubmitted	Status
Windi Pastorini		winlaw@swbell.net	11/12/2020 10:05:44 AM	SENT